

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 Case No.: 3:23-cv-00495-ART-CSD

4 BEAU BROWN,

5 Plaintiff

6 v.

7 THE STATE OF NEVADA,

8 Defendant

Order

Re: ECF Nos. 1-1, 3

9 Plaintiff initiated this action by filing a notice to the Attorney General that the action
10 involves a challenge to the constitutionality of a state statute, referencing Nevada Revised
11 Statutes 176.017, 176.025, and 213.12135. (ECF No. 1-1.) These are statutes that govern parole
12 eligibility for persons convicted as adults but who were under 18 at the time the crime was
13 committed. He subsequently filed an application to proceed *in forma pauperis* (IFP) for an
14 inmate. (ECF No. 3.)

15 It is unclear whether Plaintiff wishes to proceed with a habeas petition—which
16 challenges his conviction or sentence on constitutional grounds—or a civil rights action pursuant
17 to 42 U.S.C. § 1983—which challenges his conditions of confinement. Plaintiff has not filed
18 either a habeas petition or a civil rights complaint.

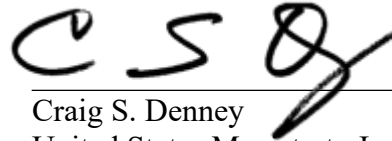
19 Within **30 days** of the date of this Order, Plaintiff shall file a notice indicating whether he
20 wishes to proceed with a habeas petition or a civil rights action pursuant to section 1983, and,
21 depending on how he elects to proceed, either a habeas petition or a civil rights complaint. As
22 such, the court will defer ruling on his IFP application.

23

1 The Clerk shall **SEND** Plaintiff the instructions and forms for filing a habeas petition as
2 well as a civil rights complaint.

3 **IT IS SO ORDERED.**

4 Dated: January 12, 2024

5 
6 Craig S. Denney
7 United States Magistrate Judge